IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.3048 OF 2003
ALONG WITH
APPEAL (LODGING) NO.722 OF 2003
IN
SUIT NO.2268 OF 1989

Fahim Rais & Anr. ....Appellants

V/s.

Central Bank of India ....Respondent

None for the Appellants.

None for the Respondent.

CORAM : A.P. SHAH AND
S.J. VAZIFDAR, JJ.

DATED : 11TH JANUARY, 2005.

P.C. :

1. The Appellants and their advocate are absent. We have gone through the papers including the order of the learned single Judge.

2. In a usual bank suit, an ex-parte decree has been passed by the learned single Judge on 17th March, 2003. The suit was filed in 1989. The Defendant No.1 was the principal debtor and Defendant No.2 was joined as the guarantor. The suit against Defendant No.2 was

dismissed as abated.

3. So far as the Appellant is concerned, no written statement was filed though the writ of summons was served in 1989.

4. In the circumstances, no interference is warranted with the order of the learned single Judge. Notice of Motion as well as Appeal to stand dismissed.